



Extensión San Agustín, Calle 3 #1210, Río Piedras PR 00926-1837 • Tel. (787) 763-1066 • Fax (787) 763-4195 • E-mail: wapa680@gmail.com

January 2, 2017

Mr. Peter Doyle, Chief AM Branch
FEDERAL COMMUNICATIONS COMMISSION
445 12th St. S.W.
Washington, D. C. 20554

Re: **1800B3-TSN** Addendum to Petition for Reconsideration on
license cancellation of WA2XPA, WI2XSO, WI3XSO;
**URGENT REQUEST TO GRANT A GRANDFATHER CLAUSE TO
EXISTING AM SYNCHRONOUS BOOSTERS AND TO STOP
SHUTDOWN OF THESE BOOSTERS.**

Dear Mr. Doyle:

I am including for your consideration and in support of our URGENT PETITION TO RECONSIDER and to GRANT A GRANDFATHER CLAUSE to permit permanent operation of AM the synchronous boosters WA2XPA, WI2XSO and WI3XSO the following documents. All of them are part of the RM-11779 Comments filed by the deadline December 29, 2016. They are included as attachments to this letter.

- (1) Letter from Puerto Rico's Governor Alejandro Garcia-Padilla
- (2) Letter from Puerto Rico's Governor Elect Ricardo Rossello-Nevores
- (3) Resolution from the Senate of Puerto Rico, unanimously voted.
- (4) Motion from the House of Representatives of Puerto Rico, unanimously voted.
- (5) Letter from the Head of the Puerto Rico's Emergency Management and Disaster Administration Agency
- (6) Aguadilla City Major/Moca City Major (population of these cities is served by WI3XSO-AM)

In the RM-11779 docket you'll find too several statements from engineers, consulting engineers, and consulting engineer firms all of them supporting making permanent the licensing of AM synchronous boosters, as of December 31, 2016. Many of them mentioning granting a grandfather clause to make permanent existing AM synchronous boosters. Among those filing comments in support of making permanent the licensing of AM synchronous boosters are the following:

- (1) Association of Federal Communications Commission Consulting Engineers

WAPA-680-AM
San Juan

WA2XPA-680-AM
Arecibo

WISO-1260-AM
Ponce

WI2XSO-1260-AM
Mayagüez

WI3XSO-1260-AM
Aguadilla

WGYA-1590-AM
Guayama

WMTI-1580-AM
Morovis-Vega Baja-Manatí

LA PODEROSA CADENA WAPA RADIO

- W&BP
- (2) DuTreil, Lundin & Rackley
 - (3) Sellmayer Engineering
 - (4) Cavell, Mertz & Associates
 - (5) Hatfield & Dawson Consulting Engineers
 - (6) Edward A. Schober, P. E.
 - (7) Kintronic Laboratories
 - (8) Communication Technologies, Inc.

I've continued my search on AM stations using synchronous boosters in the Continental U.S. and I found that KM2XVL-AM Huntsville, Tx is licensed too since year 2000 as synchronous booster of KMVL Madison, Tx. Its license has not been revoked. So, until now I have the following AM synchronous booster stations operating in the Continental U.S. No license cancellation letter has been found on CDBS files for these AM synchronous booster stations:

AM SYNCHRONOUS BOOSTERS extending main station's coverage:

- (1) Booster: WBZT Pompano Beach, FL / Main: WBZT West Palm Beach, FL (22 years)
- (2) Booster: KM2XVL Huntsville, Tx. / Main: KMVL Madison, Tx. (16 years)
- (3) Booster: WLLH Lawrence, MA / Main: WLLH Lowell, MA (15 years) This station requested on Nov. 2016 city license change, and using synchronous booster site as main station's site.

AM SYNCRHONOUS BOOSTERS improving main station's service contour:

- (1) Booster: KKOB Santa Fe, N.M. / Main: KKOB Albuquerque, N.M. (29 years)
- (2) Booster: KCOH Houston, Tx. / Main: KCOH Houston, Tx. (29 years)

Since we don't have a Washington attorney we respectfully request a full disclosure on any AM synchronous operation licensed by the FCC in the U.S. and if any has been cancelled based on having surpassed the five years experimentation period used to cancel the licenses of WA2XPA, WI2XSO, WI3XSO, and WI2XAC in Puerto Rico. The record for WRJR Claremont, VA / WR2XJR Portsmouth, VA is not clear for us from the information found at CDBS files. It appears as licensed on 2004 and renewed in 2011 (more than the five year experimentation period). No license cancellation letter appears either for WR2XJR.

The licenses granted specified that the booster stations had to rebroadcast all the time the main station's programming. The renewal licenses granted annually by the FCC asked the licensee to certify that the booster was being operated uninterruptedly. Almost two months have passed since your order to cancel WA2XPA, WI2XSO, and WI3XSO was issued. Although WAPA and WISO don't make any sales effort locally at the coverage areas of the boosters, the truth is that the prestige of a network serving Puerto Rico islandwide with an excellent coverage brought business to WAPA and WISO and served to revitalize our AM stations. WAPA/WISO has been used mainly for products marketed islandwide. The news on FCC's dismantling of our network has begun to affect negatively our stations. Many of our clients are pondering the idea of moving to another station since WAPA/WISO will cease having islandwide coverage.

We respectfully request to **URGENTLY CANCEL THE ORDER TO CEASE OPERATIONS OF OUR BOOSTERS**, and to grant a Grandfather Clause to permanently LICENSE WA2XPA, WI2XSO, and WI3XSO since,

- W8BP
- (1) **No complaints** on our booster operations has been raised.
 - (2) These am synchronized boosters have operated successfully for more than a decade. (WI2XSO for 17 years, WI3XSO for 14 years and WA2XPA for 13 years)
 - (3) Our synchronized boosters **comply with allocation restrictions**.
 - (4) Our boosters **have served the public interest** as established by the public elected officials and/or government official statements attached to this letter and made part of RM-11779.
 - (5) **All the commentaries in the comments towards Rulemaking are favoring to license permanently AM synchronous boosters.**
 - (6) **MO&O 87-6, which establishes the guidelines for a broadcaster requesting AM synchronous booster authorizations does not specify that rules under Part 5 Experimental Radio Service would govern the process.** The procedure listed in Part 5 Experimental Radio Service was never followed by the FCC in granting the AM synchronous booster licenses. The five year experimentation period stated in the license cancellation letters was never established as part of the construction permits, licenses, and or renewal licenses granted by the FCC . The AM synchronous booster authorizations were granted under MO&O 87-6 using FCC forms 301, 302 and 303 and never a 5 year experimental licensing period is specified. None of the restrictions specified in any of the authorizations to construct and/or to make changes in the booster facilities, nor in the license to cover nor in the license renewals make reference to Part 5, Experimental Radio Service. **This broadcaster was then induced by the FCC to get involved in a costly experimentation (over a million dollars involved in 30 years of work) to cancel rudely our booster licenses (six months in advance). Obviously, I knew I was experimenting and that I could fail in that attempt. But having accepted the FCC challenge to invest considerable amounts of time, effort, and money wouldn't a broadcaster that succeeded at least deserve to keep the AM synchronous boosters system he developed?**
 - (7) **A discriminatory procedure was used in cancelling the licenses of WA2XPA, WI2XSO, and WI3XSO** cancelling the licenses of WA2XPA, WI2XSO, WI3XSO on November 7, 2016. The license for WI2XAC was cancel only after I raised the issue of a discriminatory practice in the reconsideration letter filed. The license for WI2XAC was cancelled Nov. 29/2016. Until now, no Continental U.S. AM synchronous booster has been cancelled according to CDBS files.
 - (8) **The Chief of the AM branch accepted that AM synchronous boosters could be granted either to improve/extend the coverage contour of the main station and that no limit was imposed on MO&O 87-6 on extending the service contours of the main station using a synchronous booster.**

Excerpt from Reconsideration Decision 1800B3-SNC, July 27, 2011 (Guayama booster application):

"Upon review, we agree that the Application should not have been dismissed because the predicted coverage of the proposed experimental AM synchronous booster station extends beyond the predicted coverage contours of the primary station. Although the Commission stated in the 1989 MO&O that 'the parties recommended that synchronous transmitters be afforded protection similar to that provided by the primary station, and that they should not extend the interference contour of the parent station', it did not prohibit the predicted contours of an experimental synchronous booster

station from exceeding the predicted coverage contours of its primary station. Thus, we grant reconsideration of the dismissal application, in part."

(9) Cancelling our synchronous booster licenses is adversely affecting the sustainability of WAPA and WISO, risking the economic stability of our network, and of our employees. The public notice the shutting down of our boosters after 17, 14, and 13 years on the air is affecting our prestige as a network having islandwide coverage. Clients have expressed us their concern and have anticipated us that if the shut down happens they would have to move to other radio stations.

(10) **Puerto Rican economy is in a severe crisis.** Just make a search on the internet and you'll see how bad it is.

W. R. B. P.
Excerpts from Bloomberg Politics, April 2016: "

The American territory has stagnated since 2011. Its population is declining at an accelerating pace. The jobless rate is more than twice that on the U.S. mainland, poverty is three times as severe, and homes cost less than they did 15 years ago. Even tourism, a rare bright spot with hotel occupancy the strongest in a decade, is imperiled by an outbreak of the Zika virus."

Excerpts from: Time magazine: June 29, 2015

Puerto Rico is in the midst of a decades-long economic struggle fueled by years of recession and slow economic growth. As a result, its government has taken out massive loans from creditors to cover its costs.

But Puerto Rico has to pay back the money (or figure out a Plan B). In recent years, the commonwealth has raised taxes and slashed pensions in order to pay back its loans, but the island's "tab," so to speak, has still spiraled out of control. Many residents have found their businesses collapsing — Puerto Rico's unemployment rate is double that of mainland America — while others have been leaving the island for better opportunities state-side.

As the countdown towards the shut down date for WA2XPA, WI2XSO, and WI3XSO (May 7, 2017) **irreparable damage is being made to a media network whose licensee's only sin was to trust on the FCC** when it challenged AM broadcasters anxious to revitalize their AM stations to invest large amounts of money, effort, work, and time on developing AM synchronous boosters technology.

I respectfully urge the Commission to grant all the AM synchronous booster stations in the continental United States and its territory/colony of Puerto Rico a grandfather clause permanently licensing the existing boosters.

An undergoing process towards a possible rulemaking on permanently licensing AM synchronous boosters began this past December, 2016 (RM-11779). All the comments have been favoring AM synchronous boosters as of December 29,

2016, (deadline for comments) including those of consulting engineers so it does not make sense to shut down existing AM synchronous boosters, provoking a dismantling of the facilities either by vandalism, deterioration because of being unused and/or by broadcasters disposing of the costly equipment, towers, and real state abandoned because of the forced cancellation of the AM synchronous licenses.

Although, I insist that the FCC didn't grant this boosters under Part 5 (Experimental Radio Service) a waiver on Par. 5.71 (license period) is requested if needed to permanently license the AM synchronous boosters actually licensed.

RESPECTFULLY SUBMITTED:

Wifredo G. Blanco P.
ENG. WIFREDO G. BLANCO-PI, LICENSEE

c: FCC Commissioner Ajit Pai

enclosed: Letters from Gov. Garcia-Padilla, Gov. Elect Rossello-Nevarez, Senate Resolution, House of Representatives Motion, Letter from State Emergency and Disaster Management Agency

Filed via Express Mail sent today to the Secretary of the FCC.